IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JUN 2 8 2012

ADIB EDDIE RAMEZ MAKDESSI,)	CASE NO. 7:11CV00262
Plaintiff,)	ORDER
vs.)	ORDER
HAROLD W. CLARKE, <u>ET AL.</u> ,)	By: Glen E. Conrad
Defendants.)	Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

- 1. Defendants' motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**; the motion is **GRANTED** as to all claims against the defendants in their official capacities and as to all claims against Defendants H. Clarke, B. Woodard, S. Shupe, and D. Sluss; and the motion is **DENIED** as to plaintiff's Eighth Amendment claims against Defendants Lt. Fields, Sgt. King, Capt. Gallihar, Timothy Sumpter, David Bellamy, Glen Boyd, and Thomas Hall for failing to protect him from assaults by his cellmate, both in his cell and in the pod area on December 21, 2010; and
- 2. Plaintiff is advised that, if warranted, he may renew his motion for appointment of counsel to assist him preparing and trying his case as scheduled on November 1 and 2, 2012.

ENTER: This <u>38</u> day of June, 2012.

Chief United States District Judge

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